

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL J. ZUEGE, JR.,

Plaintiff,

v.

DANIEL KNOCH, ROBERT LAZORIK
and WISCONSIN PATIENT
COMPENSATION FUND,

Defendants.

ORDER

09-cv-451-vis

On December 3, 2009, Magistrate Judge Stephen L. Crocker denied plaintiff's request for a subpoena for the production of his medical records, explaining that he could obtain his medical records by sending a written request to the University of Wisconsin Hospital and Clinics. Now before this court is plaintiff's motion to reconsider the magistrate judge's decision pursuant to Fed. R. Civ. P. 72(a).

Plaintiff explains that he wrote a letter to the University of Wisconsin Hospital and Clinics, requesting his medical records, learned from the hospital that the Midwest Medical Record Association had his records and requested the records from the association, only to discover that he would have to pay for the copies. Plaintiff objects to having to pay for the copies and asks the court to subpoena the records instead.

Plaintiff seems to think that if the records were to be subpoenaed, he would be given

copies of them without having to pay for them, but he is wrong. A party subject to a subpoena under Fed. R. Civ. P. 45(a)(1)(D) (D) to produce documents, electronically stored information, or tangible things is required to permit inspection, copying, testing, or sampling of the materials, but not provide copies of the materials at its own expense.

Midwest Medical Record Association has agreed to do all that would be required of it if a subpoena were to issue, which is to provide plaintiff a copy of his medical records when he pays for them. Accordingly, I will deny plaintiff's motion for reconsideration and affirm the magistrate judge's decision to deny plaintiff's request for a subpoena.

ORDER

IT IS ORDERED that plaintiff Michael J. Zuege, Jr.'s motion for reconsideration, dkt. # 50, is DENIED.

Entered this 28th day of December, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge